

RELOCATION

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It is increasingly common that children of divorce are geographically separated from one of their parents. This article considers the challenges that arise from that reality by exploring this problem from a variety of perspectives and by providing practical tips to minimize the impact of the distance. A review of the Ontario caselaw and Arizona Guidelines reveal that certain factors are important in the resolution of these disputes, including: the age of the child, mode of transportation between homes, distance, prior contact, and feasibility of virtual access. Court-ordered access may include remedies that, absent the distance issue, may be considered extreme, including moving to overnight/extended access periods for young children, permitting children to travel unaccompanied, favoring the nonresident parent for holidays and vacation time, allowing children to decrease contact with the nonresident parent, and decreasing or terminating child support. Where distance dictates the in-person and virtual access schedules, creative solutions are critical to the successful resolution of these cases. Forward thinking family law professionals can meaningfully help parents to achieve better outcomes for children.

Keypoints for the Family Court Community:

- We review the factors considered and the access ordered by Ontario courts.
- We explore options for in-person and virtual access with respect to frequency, duration, and location.
- We describe steps to strengthen the relationship between the nonresident parent and the child.
- We consider equitable sharing of access costs and the impact on child support.

Keywords: *Access Costs; Distance Parenting; Long-Distance Cases; Relocation; Skype Access; Travel Costs; Virtual Access; and Virtual Visitation.*

I. INTRODUCTION

In today's mobile society long-distance parenting has moved from the exception toward the norm. Family law professionals increasingly face cases where: (1) the mobility issue is highly contested but the resident parent moves with the child¹ and (2) an access parent moves away and an access dispute arises. Long-distance parenting cases require creative solutions that consider the child's attachment and developmental needs. In the words of an adult child of divorce, raised in an era of global mobility:

I've flown across the Atlantic so many times that I've lost count, so often that the journey is second nature, like my early morning stumble from the bedroom to the shower. . . No one wanted to examine our bags, to bother us. They seemed to know, instinctively, that kids travelling such long distances alone are shuffling from one parent to another. We'd get sympathetic stares and pity-filled nods from the flight crew and fellow travelers alike. Every summer, and every other Christmas, we marched through one gate after another, soldiers of separation, casualties of a difficult divorce.¹

The impact of a move by either parent has the potential to negatively affect the nonrelocating parent's relationship with the child.² Upon relocation, the nonresident parent will be unable to see the child as frequently as he or she did before. Therefore, if such a move occurs parenting schedules must recognize the new distance created by the move and provide some measure of contact between the long-distance parent and child.³

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When distance is not an issue parenting time schedules typically take into account the parenting history, child's age, and other factors. For example, it is well recognized in the family law system that infants and children need more consistency, stability, and predictability than older children.⁴ Accordingly, in nonmobility cases family law professionals attribute considerable weight to the child's age and stage of development when developing parenting time schedules. However, as set out in greater detail below, it is the distance between the child's two homes (rather than the other factors listed above) that often defines the parenting time schedules in mobility cases.

This article aims to provide a better understanding of how family law professionals address in-person and virtual parenting in long-distance access cases. In addition to a review of the social science research and case law from one jurisdiction (Ontario, Canada),⁵ the authors provide practical strategies to address the limited time and added expenses related to the distance. The goal of this research is to promote creative problem solving in response to one of the most challenging issues facing family law professionals today—mobility.

II. THE MOBILITY ISSUE AND ITS AFFECT ON PARENTING SCHEDULES

It is interesting to reflect on who is moving. In all but one of the Ontario cases described in this paper, the parent relocating with the children is the mother, and the parent relocating alone is the father. That finding is consistent with the social science literature:

The issue of relocation is inherently and inevitably gendered, because, for the most part, it is mothers who are primary caregivers and want to move together with their children. Most will not move unless they can take their children with them (Behrens, 1997; Young, 2011). There are human rights issues involved concerning freedom of movement which impact more upon primary caregivers than nonresident parents (Lamont, 2012; Parkinson, 2008b; Young, 2011). Realistically, little can be done to require non-resident parents to stay in close proximity to their children, since court orders cannot require a parent to spend time with his or her children in a way that benefits them (Parkinson, 2008b). Both mothers and fathers are free to move without their children, and the jurisdiction of the courts is ordinarily limited to making decisions about parenting arrangements.⁶

A recent review of the relocation research provides a variety of reasons to explain why parents move following separation and divorce. These include “the needs of both parents to secure or retain employment, pursue educational or career opportunities, relocate with a new spouse, or seek support of other family or friends.”⁷ Additional reasons why resident parents plan to move may include the stated or unstated goal of limiting contact with the nonrelocating parent in order to reduce conflict or to protect the child from domestic violence.

Potential responses to address the limited time and added expenses include booking travel tickets during off-peak hours and as early as possible, taking steps to prepare the child to travel alone and utilizing virtual visitation as an alternate form of access.

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The leading Canadian case dealing with relocation is *Gordon v. Goertz*.¹⁰ In this case, the Supreme Court of Canada developed a legal test that considers factors to determine if the relocation is in the best interest of the child, having regard to the child's needs and each parents' abilities to satisfy these needs. The decision requires that courts focus only on the best interests of the children and not on the interests and rights of the parents.¹¹ With respect to the impact of mobility on children postseparation, at present there is no consensus respecting same:

The current research on relocation provides contradictory information on how children are affected by relocation after separation or divorce. Some studies indicate that relocation can be yet another experience of disruption and trauma for children who have already gone through the divorce of their parents (Wallerstein & Tanke, 1996), whereas Glennon (2008) found a correlation between the well-being of the custodial parent and the well-being of the child, indicating that if relocating improves the well-being for the custodial parent, this could lead to positive outcomes for the child as well. There is a very limited body of research to guide the courts and family law professionals that work with families, despite the complexity of these types of cases and their large presence in the court system (Braver et al., 2003).¹²

Rather than focus on the good, the bad, and the unknown regarding relocation, this article will address the following topics: (a) the Arizona Guidelines long-distance parenting schedules, (b) judicially mandated long distance parenting schedules, (c) judicially mandated virtual access, and (d) practical tips for professionals.

III. ARIZONA GUIDELINES LONG- DISTANCE PARENTING SCHEDULES

Various guidelines exist to assist parents (and courts) when developing a parenting schedule. The guidelines reviewed in this article were chosen as they are well written, detailed, and popular. *Planning for Parenting Time: Arizona's Guide for Parents Living Apart* (see Appendix A) proposes several different parenting schedules based on the child's age as well as a continuum of the parents' involvement.¹³

The Arizona Guidelines emphasize that the frequency and duration of visits must account for the child's age, cognitive skills, personality, temperament, and coping style.¹⁴ The idea that (in most cases) the child will benefit from meaningful time with each parent stems from modern development theory. This theory favors the introduction of overnight visits postseparation, as these interactions provide psychological advantages for infants, children, and toddlers by allowing them to experience bedtime rituals like bathing, soothing and snuggling, and other nurturing and reassuring activities with their nonresident parent. Such activities promote bonding and trust in a manner that shorter duration visits could not achieve.¹⁵

The Arizona Guidelines propose more limited access when the nonresident parent has less available time, has limited parenting skills, lives a considerable distance away, or has not yet developed a bond with the child. These guidelines also provide plans aimed to achieve equal, shared parenting if both parents care for the child equally, know how to care for the child, can cooperate and communicate with each other about the child's well-being, and live close to one another.¹⁶

The standard parenting plans proposed by the Arizona Guidelines (or other guidelines used to assist parents in creating a schedule) have limited utility and the challenges that arise from the distance between the two homes should be considered. For many families, long-distance parenting is the new norm, and it seems unlikely that this subset of cases will decrease dramatically over time. The Arizona Guidelines state that the average U.S. family moves every five years, and the guidelines provide suggestions respecting parenting plans for long-distance access cases.

The Arizona Guidelines suggest that there should be a minimum of four blocks of parenting time for the nonresident parent per year. The Arizona Guidelines recommend that blocks occur during normal school breaks (e.g., winter break, March break, and summer break) as well as one additional block per year.¹⁷ Access periods should be more frequent if there is a shorter distance between the parties. For example, it is recommended that if the driving distance between the two parents is less than four hours apart visits should occur every other weekend.¹⁸

Parenting schedules for long-distance parenting should reflect the age of the children. Travel may be very difficult for infants, toddlers, and young children, which contradicts the notion that young children regularly spend time with each parent. If possible, any relocation should be delayed until after the child reaches kindergarten age. If the move is necessary the parenting schedule should be designed to provide the most direct and frequent physical contact between the child and both parents.¹⁹

The Arizona Guidelines acknowledge that it is also important that parents work out a detailed schedule to optimize time spent with both parents. It is not recommended that children under eight

years of age travel alone. Therefore, the cost of airline tickets for the child as well as accompanying parent must be considered. Furthermore, time difference and delays may affect the quality of the visit.²⁰ The nonresident parent should be informed of the child's general welfare, milestones, and important developments and routines in order to facilitate a smooth transition between homes.²¹ The nonresident parent should remain actively involved in the child's life. Virtual parenting is recommended to create meaningful long-distance parenting. Technologies such as telephone, e-mail, instant messaging, and Skype, or other Webcam applications, provide the nonresident parent the opportunity to play a greater role in the child's day-to-day life. However, virtual parenting is no substitute for regular, physical contact between a parent and child.²²

The nonresident parent should be permitted drop-in visits if s/he is in the area. In these situations the resident parent should be flexible in their normal routines to allow increased contact on short-term notice.²³ Such visits however depend on the parties' cooperation and therefore may not be appropriate in hostile situations.

IV. JUDICIALLY MANDATED LONG-DISTANCE PARENTING SCHEDULES

Following separation parents are usually encouraged (with or without the assistance of counsel or a mediator) to devise a parenting agreement among themselves, however such resolution is not always possible.²⁴ When judicial intervention is needed, courts generally view frequent, generous, and liberal access to be in the best interest of the child, and encourage the nonresident parent (and extended family members) to play a significant role in the child's life.²⁵

To the extent possible, courts also approach relocation cases with the principles of frequent, generous, and liberal access, although the distance often affects the parenting time schedules. Duration of travel and time zones can interfere with the nonresident parent's ability to have a meaningful connection with the child. Further, the cost of travel and related expenses can impede frequent access unless the relocating parent has offered to pay for specific expenses as a precondition to the move. Otherwise, the further the distance and/or the more expensive the travel, the less frequent the access. In contrast, the closer the move (short airline travel or a drivable distance), the more frequent the access.

This section of the article focuses on cases where Ontario courts have determined that relocation is appropriate, or the nonresident parent has chosen to move away. The province of Ontario was chosen as one example of how courts address the challenges arising from long-distance parenting cases. The interrelationship between distance and cost is considered along with the other factors set out below. The follow summaries provide examples of the considerations taken into account by Ontario judges when exercising their discretion in the context of each unique fact-specific case.

A. THE AGE OF THE CHILD

When a child relocates a significant distance at a young age, the court may implement a transition at the commencement of access in order to reestablish the bond between the parent and child.

In *Chitsabesan v. Yuhendran*,²⁶ the mother was granted permission to return to England with a young child. The court ordered one overnight visit in Canada to take place before the mother moved. The usual access required at least two access visits in Canada annually, for at least three weeks each, and additional access whenever the father travelled to England. A transition period was imposed at the start of every visit until the child attains the age of four, which limited access to a few hours on the first two days. For the remainder of each visit the child would remain full-time with the father. Commencing age four, the transition period would be removed but the child would be required to attend her school and other activities during access visits. At that time, summer access (one month), Christmas access (one week), and spring break (one week) would be added. The paternal family was

granted day access visits in England for up to eight hours per day. Each parent was ordered to provide specified notice of his/her proposed visitation schedule.

For latency-aged children, the courts tend to provide set schedules, which often include a minimum of three to four visits per year.

In *Cochrane v. Graef*,²⁷ the court order provided a detailed access order for nine-year-old twins who were moving to the United Kingdom. Mr. Graef was granted access in Canada as follows: fall break, Christmas break (one week), winter break (one week), and summer break (four weeks). Additionally, the father was granted access each spring break (one week) in the United Kingdom, as well as additional access as agreed. The father was responsible for access costs, however, the child support order was terminated.

In *BTO v. AA*,²⁸ a mother moved to Nigeria with her twelve- and fourteen-year-old sons. The father was granted access in Canada for four weeks each summer, as well as two weeks over winter break. The father was also granted additional access in Nigeria on adequate (sixty-day) written notice. The mother, who chose to relocate, was responsible for the children's airfare each summer, and the father for the winter break expenses.

In *Roberts v. Roberts*,²⁹ the court ordered a minimum of four access visits per year, where the mother intended to move a considerable distance from Ontario to Manitoba. The schedule provided for access as follows: Christmas break (two weeks), March break (one week), and summer break (all but the first and last weeks of summer). Ms. Roberts offered to pay for the cost of transporting the children back and forth between her home and Mr. Robert's home.

With respect to adolescents, the courts often order that the schedule accounts for the child's willingness to attend the access visits. That is not dissimilar to access orders in nonrelocation cases, as it is well recognized that older children have their own views about the schedule, which can vary between a desire to spend considerable or little time with the access parent.

In *McAtamney v. Kitching*,³⁰ the child moved to the United Kingdom. The court awarded the father access to his sixteen-year-old child for an uninterrupted period of six weeks per year to be arranged no less than two months in advance, as long as the child consented to the plan.³¹ The father was responsible for travel costs but the child support order was terminated.

In *Watson v. Watson*,³² the father was granted access for five weeks of summer and the entirety of the following school holidays: March Break, Easter, American Thanksgiving, Family Day, and Victoria Day. Each of the long weekends would extend to include the Friday preceding the weekend. As the child was fourteen years old at the date of the decision, all access was subject to the child's wishes as to whether he wanted to spend all or any part of the time allocated with the father.

B. SHORTER AIR TRAVEL TIME AND/OR DRIVABLE DISTANCES

Access can be more frequent and is less costly when the travel involves a short flight and/or travel by car.

In *Maloney v. Choo-Shee-Nam*,³³ the mother was permitted to move to New Jersey, and the father Mr. Choo-Shee-Nam was granted monthly access to their son. The mother agreed to pay for the son's return to Toronto one weekend every month, except during the months when the holiday schedule applied (Thanksgiving, Christmas, and spring break). The parents alternated major holidays on an even-year/odd-year basis. The father was granted access in Ontario for Father's Day weekend and the entirety of July annually. In addition, Mr. Choo-Shee-Nam was granted one weekend visit per month in New Jersey, with reasonable notice. Given the age of the child, the mother's offer to pay the child's travel expenses had considerable value, as the child could not travel alone thus doubling the expense.

Where the parties live relatively close together, the court may order that the child spend three out of every four weekends with the nonresident parent.³⁴ In these instances regular mid-week access may be impractical³⁵ but special days, such as Christmas day, can be shared. For example, in *Lynn v.*

Lynn, the child resided with the mother from Christmas Eve at 1p.m. until Christmas Day at 1p.m. and with the father from Christmas Day at 1p.m. until Boxing Day at 1p.m.³⁶

In short-distance cases it is often possible to craft an alternating weekend parenting schedule.³⁷ In *L.M.S. v. J.D.M.*,³⁸ the mother was permitted to move within 100 kilometers of the children's current residence and the court provided for alternate weekend access with shared driving responsibilities. In addition, the father was provided one mid-week dinner visit as well as one mid-week overnight visit, which he could cancel or convert to a dinner visit.

Where alternate weekend access is impracticable, one option is to reduce access to every third weekend, but increase summer access. In *Badeau-Haughton v. Eastman*,³⁹ the court made this change and provided the father with six weeks of summer access to be exercised in two-week blocks of time. These changes addressed the concerns that: (a) the eight-year-old child was traveling five hours each way (with the parents meeting halfway), arriving at the father's home at 10p.m. or later on Friday nights and (b) the child loved to play hockey and the alternate weekend access interfered with that activity. Alternately, the courts may order one extended weekend per month instead. Courts have ordered this parenting schedule for distances between Casselman (Ottawa region) and Waterloo, Ontario⁴⁰ and Guelph and Skead (Sudbury region), Ontario.⁴¹

C. LIMITED CONTACT

Where the nonresident parent exercised limited access prior to the relocation, the courts will usually ensure that some contact continues postmove.

In *J.J.C. v. J.E.D.*,⁴² the mother was permitted to move with the two-year-old child to Alberta. Because of the father's limited prior involvement in the child's life, the court determined that overnight access would need to be phased in over time. The father was granted four hours of unsupervised access each day, for up to four consecutive days if the father travelled to Alberta (at his expense). If the child and mother were to visit Fort Francis, Ontario, the mother was required to make the child available for access at least four hours each day, for at least three days each week. Interestingly, the court did not set out how, when, and under what circumstances overnight access could be phased in.

In *Obodoechina v. Ayetor*,⁴³ the father resided a five-hour drive away from the children. The court ordered that since he had infrequent contact before the trial and had chosen to move away, his access would be in Toronto one Saturday each month from 10a.m. to Sunday at 4p.m. Further, the court ordered that the children would spend one week each summer with the father in Sudbury. The time could be increased to two weeks when the youngest child, who at the time of the decision was five years old, turned eight years old.⁴⁴

V. JUDICIALLY MANDATED VIRTUAL ACCESS

Regardless of the distance between the nonresident parent and child, virtual parenting provides an excellent mechanism for a long-distance parent to keep in frequent contact with his/her child. "Virtual visitation (or virtual parenting), also called Internet visitation [or virtual access], refers to the use of e-mail, instant messaging, webcams, and other Internet tools to provide regular contact between a noncustodial parent and his or her child."⁴⁵ These technological advances have created new opportunities for a parent separated by geography to have regular access to their child,⁴⁶ although virtual access is not a substitution for physical contact.⁴⁷ Courts recognize the positive contribution such technologies can make in facilitating the relationship between a child and his/her long-distance parent, and judges often include the use of these technologies in their orders.

The benefit of virtual visitation is that it can assist with consistency and continuity in the child-parent relationship. The data is clear that quality and meaningful relationships with both biological parents is very important to children.⁴⁸ It opens the doors for electronic face time in between

traditional access visits, with minimal cost. It allows participation in simple things such as reading a bedtime story or watching a child open a gift. As technology advances, there is increasingly the option of live streaming a child's special events and viewing them in real time.⁴⁹ It is also potentially useful to allow one of the more traditional parenting activities to occur, notwithstanding a long-distance separation: help with homework. There is evidence to suggest a positive correlation between parental involvement with homework and outcomes such as student achievement, attitude toward homework and learning.⁵⁰ Through technology that ranges from Skype to Internet subscriber-based programs such as Family Wizard,⁵¹ parents can help their child with homework, even beyond their access days.⁵²

The accessibility of virtual visitation is another important point. Beyond the initial set-up cost of a computer and webcam (and potentially an audio component), the only ongoing cost is a monthly internet-usage bill. For lower income families who cannot afford these expenses, it may be possible to take advantage of these technologies through the local library.⁵³

Since virtual visitation first arose in a reported case in 2003, its use by Canadian courts continues to increase.⁵⁴ Some courts make passing reference to the fact that electronic communication options exist and can be used in addition to the scheduled visits.⁵⁵ Other courts have made general orders with no specificity regarding frequency, method, or length of such communication, but a direction that a parent will "cooperate in facilitating"⁵⁶ or "do everything possible"⁵⁷ to encourage communication through phone calls, e-mail, and webcam. Still others simply order "reasonable telephone and webcam access"⁵⁸ or "reasonable and generous access to the child by telephone and by internet communication."⁵⁹

There are also examples of much more structured virtual accesses. For example, in *Shoshi v. Vuk-sani*, the mother had sole custody in Ontario, and the father resided in British Columbia. In addition to supervised access, Justice Zisman ordered that:⁶⁰

3. The Respondent shall have Skype access to the child for up to 30 minutes, on Saturdays at 4:00 p.m.; Sundays at 12:0 p.m. and Wednesdays at 6:00 p.m. all at Toronto time; if the child requests to Skype the Respondent, to the extent she requires assistance to contact the Respondent by Skype, the Applicant shall assist the child.
4. The Respondent shall not ask the child about specific locations such as the Applicant's address or any personal questions about the Applicant; The Respondent shall not ask the child about her school location and her classroom number or any other specific questions that would reveal with exact whereabouts of the child's school or the residence of the child and the Applicant or about the workplace of the Applicant;
5. The Applicant shall be permitted to terminate the Skype session if the Respondent breaches any of the terms of paragraph 4 above;
6. The Applicant shall not be in the same room as the child during Skype access except to facilitate setting up or adjusting the Skype equipment or taping equipment;
7. The Applicant and Respondent shall be permitted to record the Skype access from their own location;

Most cases fail to specifically recognize and distribute any costs associated with virtual parenting. However, if such costs are acknowledged, the court is likely to stipulate that the resident parent be responsible for ensuring that the child has access to a computer or phone. For example, Ontario courts have ordered the relocating mother to purchase a computer for her children, pay long-distance and Internet fees, or facilitate the children's access to electronic means.⁶¹

Judges typically consider the child's age when determining the suitability and duration of virtual visitation. Some courts have held that virtual parenting is not always appropriate, especially for children six years of age or younger.⁶² For example, Levy J. at the Nova Scotia Family Court in *A.D.P. v. T.E.W.*, opined that in the case of a child less than three years old, it is "...highly unlikely that a

voice on the telephone or a grainy picture on a computer will be any substitute for a flesh and blood father sitting him on his lap or kissing him goodnight.”⁶³ Further, in *Perchaluk v. Perchaluk*, Justice Zisman concluded that it was unrealistic to expect a three-year-old to speak for twenty minutes on the telephone or sit in front of a computer for an hour.⁶⁴ In *Brink v. Young*, Justice Wright ordered telephone access to an eighteen-month-old child at least twice per week for up to fifteen minutes.⁶⁵

Many Ontario court relocation decisions include virtual parenting provisions. Often these orders are open ended, simply mandating that the resident parent facilitate access by way of telephone, e-mail, Skype, videoconference, and/or social media.⁶⁶ Sometimes, the court orders virtual access be reasonable, generous, and/or regular.⁶⁷ Less frequently, Ontario courts order unlimited or unrestricted virtual access.⁶⁸

On occasion, Ontario courts limit the nonresident parent’s contact to specific times. Such limitations are often imposed in situations where physical access between the child and nonresident parent must be supervised. In *Kozo v. Ahmed*,⁶⁹ considerable conflict arose following an order for daily computer access for a two-year-old child, which resulted in some missed Skype visits. The father was found to be verbally abusive. Justice Snowie determined as follows:

I find that the frequency of the access ordered by the Ontario Court of Justice on September 12, 2013 was not reasonable and too difficult for all involved in this situation especially the child. At the time of the order the child was only a toddler (2 years of age). Her limited attention span was that of a normal 2 year old and it must have been almost an impossible feat by the applicant to try to keep the child engaged on the computer for 30 to 60 minutes at a time, in an unsupervised manner. The respondent clearly thinks only of himself and has always seen “his time” with the child as “his right” never the child’s right. It is clear that his rights come ahead of the child’s rights in his mind.⁷⁰

They [the mother’s family] take time out of their busy schedules; they lose the use of their living room daily to the Skype access. As a result they have been unable to invite company over at dinnertime Monday to Friday or to accept invitations out for dinner. They have actively, on a daily basis, been facilitating the engagement of the child in the visits and conversation with her father, providing books, toys other materials and snacks to help keep the child focused and in place in front of the computer screen and engaged with her father. As a result of the applicant’s hard work it is clear from the video footage I viewed that the child loves her father and him, her. The respondent has no appreciation of this effort by the applicant and her family at all.⁷¹

The court subsequently reviewed and reduced the Skype access when the child was four years old, limiting the contact to twice a week at specified times for sixty minutes each. The court balanced the nonresident’s request for Skype access, with the child’s age and development and the impact on the resident parent.

A further example is set out in *Shand v. Drummond*,⁷² a case involving a mother who was permitted to relocate from Ottawa to Lumsden, Saskatchewan. Mr. Drummond was provided supervised access due to his drinking, violence, anger, and criminal problems. In addition to limiting physical access to the children, the court also limited the frequency of his virtual parenting. Mr. Drummond was only allowed one Skype visit per week for up to one hour and one telephone visit per week for up to one hour.

In other instances, virtual parenting may be fully restricted. In *Gordon v. Gordon*,⁷³ the court ordered that the mother have no access until she demonstrated that she attended long-term sustainable treatment to deal with her distortion of reality. The court also prohibited Ms. Gordon from any communication with the child by electronic means or telephone. This complete restriction to any form of virtual parenting appears to be atypical in Ontario relocation cases.

Formulating a specific virtual parenting schedule may provide children with predictability and may enhance the quality of the communication. The court occasionally orders a specific schedule and frequency of calls. For example, in *Gauthier v. Gunner*,⁷⁴ the final order provided a parenting plan that provided frequent access to both parents. The child was permitted to speak with the other parent by phone or Skype every second night. Similarly, in *Lynn v. Lynn*,⁷⁵ Mulligan J. provided that if either parent has the child for two or more consecutive nights the other parent would have

phone access to the child on the second, fourth, and sixth overnight at 7pm for at least five minutes.

Courts typically provide some form of virtual parenting in relocation cases in order to foster a relationship between the child and his/her long-distance parent. Virtual parenting should not be viewed as a substitute for physical parenting.

VI. PRACTICAL TIPS FOR PROFESSIONALS

There are many ways to assist families in situations where the nonresident parent and children do not reside in close proximity. Below are several child-focused creative solutions to some of the challenges these families encounter.

A. DEVELOP PARENTING SCHEDULES THAT ACCOUNT FOR THE DISTANCE ISSUE

Where the access parent's visits may be limited in frequency, family law professionals can recommend that the duration of the visits be increased. For example, parents may be open to extending access weekends to include one school day, or two half-days. This may have an added benefit of avoiding peak travel times, which can be less stressful for the parent and/or child who is traveling, and for the flight attendants responsible for the Unaccompanied Minor (UM) service. Another option is to provide the access parent with a favorable distribution of statutory holidays and summer vacation (*see* Appendix B).

B. ENCOURAGE PARENTS TO PLAN FAR AHEAD

Many schools issue their annual calendar by February. By a specified date each year, one parent should be encouraged to complete the proposed schedule for the year commencing July 1, in accordance with the parenting plan or court order. The other parent should be encouraged to respond by a specified date. If needed, a conference call (with or without a mediator) can be arranged to finalize the schedule. Early planning leads to decreased travel costs and increased predictability for the child. Color-coded calendars can be posted in each home to identify when the child will reside with each parent (ex. pink for mother; yellow for father).

C. EDUCATE CLIENTS ABOUT THE IMPORTANCE OF FLEXIBILITY

It is particularly important to remind parents in long-distance cases to be flexible when the nonresident parent requests additional access in order to attend a special event relating to the child. Alternately, from time to time the access parent and/or the child may not be available because of a special event. Parents should be encouraged to revise the schedule to maximize the child's time with the access parent. When the access parent may be travelling to the child's hometown for work or other reasons, the custodial parent should be educated to accommodate these requests, unless there is evidence that this would be unduly disruptive to the child.

D. SUPPORT PARENTS TO WORK TOGETHER TO ADDRESS TRANSITIONS

One by-product of long-distance parenting cases is, the child may face challenges that arise because of the distance between their parents' homes. For example, in most cases a baby/toddler/child will eventually be expected to transition to overnights with his father, even if the access has been limited to day visits. Alternately, an eight-year-old child may be expected to fly alone because of the significant cost savings. In these instances, it is critical for parents to work together to transition the child to the next step. For the baby this may include the mother initially attending at the

father's temporary residence to assist with bedtime. For the child who is enrolled in the UM service, this may include a test flight where the parent sits at the back of the plane to reassure the child (and him or herself) that the child is fine.

E. REFLECT ON THE OBVIOUS AND HIDDEN FINANCIAL COSTS

Before any expenses are incurred, family law professionals should assist clients to resolve how to allocate the travel costs and to identify what expenses will be shared. This may result in a set-off against child support or a contribution as costs are incurred. These costs may include the obvious (hotel room, car rental, and food), but also the less obvious (restaurant meals, health insurance, activity fees, and shopping). Professionals can provide support to long-distance access parents who feel pressured to be a "Disneyland Parent" because the parent and/or child are removed from their routines and hometown during visits. Further, parents should be advised that some expenses may be higher than initially anticipated. For instance, the nonresident parent may choose to rent an apartment through Airbnb instead of a motel room when exercising access. The benefits of an apartment may include that the family is more comfortable and the visits feel less artificial, particularly if the same unit can be rented for each visit.

F. EMPLOY VIRTUAL VISITATION AS A CREATIVE ADDITION TO IN-PERSON ACCESS

Even small children can benefit from internet access and virtual visitation, as long as the nonresident parent accepts that the duration and quality of these interactions may depend on the child's mood and temperament. For example, a nonresident parent can read bedtime stories and sing bedtime songs as part of the child's daily or weekly routine. Professionals should address with their clients whether the resident parent ought to be present during Skype/FaceTime or telephone calls.

The resident parent can be encouraged to record school performances on his/her cellphone and transmit the videos and photographs almost instantaneously. If the parents agree, an older child can be provided with a cellphone to facilitate telephone and text communication. While Skype/FaceTime, cellphones and text messaging are welcome technological advances for many parents who do not reside in close proximity to their child, they should not be viewed as an appropriate replacement for regular in-person access.

G. CONSIDER THAT ONE SIZE MAY NOT FIT ALL CHILDREN

Parenting plans and court ordered access schedules tend to bundle all children together. However, in long-distance parenting cases parents should be advised that the schedules may need to be individualized. For example, a small child may be unable to spend one month with the nonresident parent. Alternately, a teenager may prefer sleepover camp to any extended time with either parent during the summer. Changes to parenting schedules may be more dramatic and more frequent than in cases where both parents reside in the same jurisdiction. For an older child, changes to the residential schedule may include moving to the access parent's home full-time or, conversely, significant reductions in time with that parent.

H. COACH EACH PARENT TO STAND IN THE OTHER'S SHOES

Family law professionals should encourage the nonresident parent to consider the challenges faced by the resident parent, who is effectively a single parent for significant periods of time. The resident parent may perceive that he/she lives in a bad cop/good cop world, where he/she carries the heaving parenting weight, while the access parent's time is stress free and fun filled. Encourage the resident parent to consider that the access parent may feel like an outsider in the child's life, whose limited time creates a superficial relationship with the child, particularly if he/she misses many significant milestones.

I. COACH EACH PARENT TO STAND IN THE CHILDREN'S SHOES

This life experience of a child whose parents reside in different jurisdictions can be vastly different than their peers. Depending on their family circumstances the child may experience significant feelings of loss. The child may feel sadness or anger because of the separation, the need to move away and/or the access parent's move. Parents should be sensitive to the child's needs, involving professionals where appropriate. Parents should also consider the emotional and physical tolls that may arise from the travel, and the impact on the child's social relationships of being away from their peer group. For example, children may be forced to choose (or have the decision made for them) whether to spend time with the access parent or play in the soccer league, participate in school trips or attend summer camp. As the child matures, their voices should be given increasing weight even when their wishes, with respect to the access schedule, may contradict the wishes of one or both of the parents.

J. CONSIDER MEDIATION OR PARENTING COORDINATION AS A TOOL FOR ONGOING SUPPORT

Communication and cooperation are critical in long distance parenting cases. Staying informed of day-to-day and significant events in the child's life may be more challenging when the nonresident parent resides in a different jurisdiction. Where parents have difficulty communicating and/or working cooperatively, the involvement of a professional may be warranted. In these instances it may be best to employ the mediator or parenting coordinator before any issues arise and provide them the opportunity to meet with each parent and the child (if appropriate). Ongoing support can often be provided by way of a mixture of forms of communication, including in-person meetings, telephone, and Skype. Parents may also consider utilizing Our Family Wizard, or similar software programs, particularly in high-conflict cases. These programs facilitate the exchange of information and even assess the level of conflict in the tone of written communications.

VI. CONCLUSION

It is hardly surprising that many professionals find long-distance parenting to be one of the most challenging issues in family law, given the close connection between long-distance parenting issues and relocation cases. As compared to other family cases, "a key distinguishing factor of relocation is the potential for the parent-child relationship with the non-relocating parent to be negatively affected. This is one of the reasons that relocation disputes are regarded as one of the most difficult and contentious issues in custody and access disputes."⁷⁶

The Arizona Guidelines provide a good starting point for discussions about appropriate parenting time schedules following relocation. Many of the suggestions contained in the guidelines, such as four blocks of access distributed throughout the year and the utility of virtual visitation, are also present in the case law. While the Ontario cases reveal that there is a fact-specific nature to the decisions, certain themes emerge. As in nonrelocation cases, courts consider the age and stage of the child's development, and put measures in place (such as transitional access for a young child, and access in accordance with an older child's wishes), to address the child's needs. Moreover, access costs are often taken into consideration along with child support in order to share the burden of these expenses between the parents. Finally, in most cases there is a logical relationship between the distance and travel expenses, and frequency and duration of access.

Family law professionals and parents must work hard, and together, to devise ways to promote close and loving relationships with the nonresident parent. Many of the suggestions proposed in this article are simple tips that can be easily implemented. By sharing these ideas, we hope to engage others in creative problem solving. One goal of this paper is to inspire others to devise new ways to help parents and children whose lives are defined by distance. As professionals, it is best to view these challenges as obstacles that we can, and will, help families to overcome.

APPENDIX A: ARIZONA GUIDELINES—NONRELOCATION

		<i>CHILD'S AGE</i>					
		<i>Birth–2 years</i>	<i>2–3 years</i>	<i>3–5 years</i>	<i>6–9 years</i>	<i>10–12 years</i>	<i>(13–18 years)</i>
PARENT INVOLVEMENT	Child previously spent more time with one parent; parent has limited time; child does not have bond with one parent	Three periods of 3–5 hours spaced throughout the week – or – Two periods of 4–6 hours spaced throughout the week	Two periods of 3–5 hours and one period of 8 hours spaced throughout the week – or – Two periods of 3–6 hours and one overnight/week	Two consecutive overnights every other week; An additional period of 3–6 hours or an overnight can be added each week – or – Three consecutive overnights every other week and additional 4–6 hours/week			It is important for the schedule to be flexible to account for the child's schedule. Parents should let their teen express his or her view while making it clear that the parenting schedule is ultimately the parents' decision
	Both parents have bond with child but one parent has more time	Two periods of 3–5 hours and one period of 8 hours spaced throughout the week	Two periods of 3–6 hours and two non-consecutive overnights/week	Four consecutive overnights during Week 1 and one overnight during Week 2			
Equal Parenting		Two periods of 3–6 hours and one overnight/week – or – Two periods of 3–6 hours and two non-consecutive overnights/week – or – Equal parenting schedule where child isn't away from parent or more than 2 consecutive days	One period of 3–6 hours and two consecutive overnights/week – or – Two days with (including overnight) with one parent followed by 3 days (including overnight) with other parent	Split each week and weekend – or – Each parent has the same 2 consecutive overnights during the week and alternate same 2 consecutive overnights during the week and alternate weekends	Split each week and weekend – Each parent has the same 2 consecutive overnights during the week and alternate weekends – or – Parents share time with the child during alternating 7 day schedules; Midweek overnight is optional during the week with the parent who does not have parenting time that week		

Note: The Arizona Guidelines parenting schedules reflect the continuum of parental involvement and child's age. Note that the Arizona Guidelines also provide for division of holiday and vacation time, however this is not included in the above table.⁷⁷

ARIZONA GUIDELINES—RELOCATION

GENERAL RECOMMENDATIONS

There should be a minimum of four blocks of parenting time each year, which should occur over the summer, winter break, spring break, and at least one other block of time. If the parents live close enough to each other, parents can add once-a-month weekend time during the months not covered by the four parenting-time blocks. When driving distance is under four hours, the opportunity exists to add every other weekend contact or long weekends to the plan.

CHILD'S AGE

<i>Birth–Pre-School</i>	<i>Kindergarten to 12 years</i>	<i>13–15 years</i>	<i>16–18 years</i>
If possible, delay the move. If the move cannot be delayed, design a plan that provides the most direct and frequent physical contact between the child and both parents that time and money permit.	Adjust the schedule to follow closely the child's regular school schedule. Consider a school with a year round or modified school schedule that provide more frequent and longer breaks with the distant parent.	The schedule should follow the available times from the teen's school schedule and extracurricular activities. Weekend parenting time may become more difficult because of school activities, work and friends. Flexibility by both parents is critical. Expect the teen to try to negotiate time with both parents, and consider the teen's wishes. Summer parenting time is very important.	Parents can guide older teenagers by permitting greater responsibility and independence. Give teens options and let them make choices about the parenting schedule. Teens want their parents to be available but also want control over their own day-to-day activities. Communication and compromise will lead to the desired flexible schedule.

APPENDIX B: PARENTING PLAN CLAUSES

Parenting Plan

Date July 15, 2016

PARENTS: Justin Jones and Sari Smith

CHILDREN: Mark (August 31, 2005) and David (born December 13, 2009)

A. PREAMBLE

B. PARENTING GUIDELINES AND PRINCIPLES

C. PARENTAL COMMUNICATION

D. PRIMARY RESIDENCE

- I. Commencing September 1, 2016 and until otherwise agreed to by the parents or ordered by the Court, the children shall maintain their primary residence with Mother. The children shall reside in Manhattan, New York.

E. PARENTING TIME WITH FATHER

- I. Commencing September 1, 2016 and unless otherwise agreed to by the parents or ordered by the Court, the children shall spend time with Father in Toronto, New York or elsewhere. At least 30 days before each access period Father shall provide, in writing, the address, telephone number and flight information for himself and/or the children. Father shall make all travel arrangements, except those requiring

Mother to travel with the children. Each parent shall ensure that the children arrive at the airport with sufficient time to check-in to the flight. The cost of the children's flights (including the Air Canada Unaccompanied Minor ("UM")) service between New York and Toronto shall be shared equally. All other travel costs shall be borne by the parent incurring such costs.

- II. An annual calendar mapping the Father's parenting time shall be prepared in either one or two block periods as necessary, likely 6 month calendars. These calendars shall be posted in each parent's home.
- III. The parties agree that once David attains the age of 8 years (December 10, 2017), both children shall be enrolled with the UM service through Air Canada. Each parent will accompany the children to the local airport and shall text the other parent when the children depart and/or arrive.
- IV. Until December 10, 2017, the parents shall take turns accompanying the children for the access visits set out below. For the next 16 months the parents agree that they will take steps to prepare the children to travel alone. These steps may include: sitting in a different row away from the children; enrolling Mark with the UM service, encouraging the children to be responsible for their own belongings, introducing the children to the flight attendants, and/or pre-paying for airline snacks.
- V. The children shall reside with Father as follows:
 - I. Labor Day Weekend – The children shall reside with Father in New York or elsewhere from Friday afternoon until Monday afternoon, with a pick up and drop off at Mother's home.
 - II. Canadian Thanksgiving (October) –In 2016, Mother shall deliver the children to Father's home by 8:00 p.m. on the Friday preceding Thanksgiving and shall pick up the children on Monday at 2:00 p.m. In 2017, Father shall pick up the children from Mother's home or at LaGuardia Airport on the Friday afternoon preceding Thanksgiving and shall return the children to Mother's home or LaGuardia Airport on Monday by 6:00 p.m. Commencing 2018, the children shall travel with the UM service to Toronto on Friday afternoon and shall return to New York on Monday by 6:00 p.m.
 - III. Christmas School Break – In 2016, the children shall spend the first half of the holiday break with Father. Mother shall deliver the children to Father at the Air Canada check-in desk at LaGuardia Airport on the first Saturday morning of the Christmas school break. Father shall deliver the children to Mother at to the Air Canada check-in desk at Toronto Pearson Airport on the second Saturday morning of the Christmas school break. This schedule shall continue in all even-numbered years, except that the children shall travel between the two cities with the UM service. Commencing 2017, and in all odd-numbered years thereafter, the children shall spend the second half of the holiday break with Father. Mother shall deliver the children to the Air Canada check-in desk at LaGuardia Airport on the second Saturday morning of the Christmas school break and Father shall drop-off the children at the Air Canada desk at Toronto Pearson Airport on the third Sunday morning of the Christmas school break.
 - IV. Spring School Break – The children shall spend every Spring School Break with Father, from the Saturday morning at the commencement of the break and until the following Saturday evening. In 2017, Father shall spend time with the children in New York or elsewhere (as David is too young to travel unaccompanied to Toronto). Commencing 2018 and onwards, the children shall travel to Toronto with the UM service on the first Saturday morning, returning the following Saturday evening.

- V. Summer Vacation – The children shall reside with Father for the first month of the summer school break and with Mother for the second month of the summer school break. In 2017, Mother shall deliver the children to Father at the Air Canada check-in desk at LaGuardia Airport on the first Saturday morning of summer vacation. Father shall deliver the children to Mother at to the Air Canada check-in desk at Toronto Pearson Airport on the 5th Saturday morning of the summer vacation. Commencing 2018 and onwards, the children shall travel with the UM service.
- VI. Additional access – Whenever Father travels to New York, or Mother travels to Toronto, the children shall reside with Father for at least 24 hours.

F. SKYPE, TELEPHONE AND TEXT/EMAIL ACCESS

- I. The parents acknowledge that Skype and telephone communication are alternate forms of access that can be beneficial for the children. The parents also recognize that the children may be unwilling to spend more than 5 or 10 minutes on any call. Father shall use his best efforts to engage each child in the Skype / telephone calls, and Mother shall encourage each child to actively participate in same. Mother shall provide each child with privacy during the Skype and telephone calls. The schedule shall be as follows:
 - i. Mother shall facilitate a Skype communication every Sunday and Wednesday at 8:00 p.m.;
 - ii. Father shall telephone the children every Friday at 8:00 p.m.; and,
 - iii. The children may Skype or telephone the Father at any time, within reason.
- II. Mother shall provide each child with a cellphone that has text capability and an email address by his 12th birthday. Until that time, each child may text or email Father from Mother's account. Mother shall pay all costs related to each cellphone.

G. EXTRA-CURRICULAR ACTIVITIES & SCHOOL EVENTS

- I. Mother shall enroll the children in the extra-curricular activities. The children's preferences regarding activities and lessons shall be taken into account and given age-appropriate weight.
- II. Mother shall provide full information about any and all activities to Father, within a reasonable time of the children being enrolled in same.
- III. Mother to advise of any special events related to the extracurricular activities and school. If Father is unable to attend, Mother shall email photographs and/or videos, if possible.

H. DECISION-MAKING

- I. The parents shall share joint legal custody of Mark and David as per the terms set out in this Parenting Plan. However, if they cannot agree Mother may make the final decision about issues affecting the children's medical/health, religion and education:
- II. General Medical and Health Care
 - (a) The children's healthcare professionals will be: Dr. Norad and Dr. Kay. These general healthcare professionals may change with notice from Mother.
 - (b) Mother shall provide each other with the names, addresses and phone numbers of any additional professionals providing health care to the children (e.g., psychologists, social workers, counselors, dentists, physicians, occupational therapists, orthodontists, osteopath etc.).
 - (c) The parents shall both sign any consent forms required for the children to receive health care treatment.
 - (d) The parents shall each provide the other parent with copies of any medical or professional reports and records the parents have pertaining to the children.
 - (e) Either parent may obtain reports directly from any professionals associated with the child. If required by that professional, the parents shall sign all necessary consents for the other parent to receive such information.

III. Daily and Routine Health and Medical

- (a) The resident parent will make day-to-day decisions. The resident parent will advise the other of the diagnosis and treatment plan when a child is ill.
- (b) Mother shall arrange routine medical/physical and dental appointments.
- (c) Timely updates within 24 hours by e-mail or text shall be provided by Mother regarding the outcome of all medical or other healthcare appointments.
- (d) Mother shall be the librarian of children's health cards and vaccination records and Father shall have photocopies.

IV. Major Medical and Health

- (a) Every effort shall be made by email and telephone to notify each other at the time of an emergency child visit to a physician, specialist, or hospital, as soon as it is feasible to do so. Both parents shall make emergency decisions, unless, after a concerted effort, one parent cannot be reached, in which case the present parent may make emergency decisions in consultation with the medical professionals.
- (b) Mother will notify Father of any potential major medical decisions, as well as provide Father with the name and number of the attending health care professionals.
- (c) Together or separately, the parents shall consult with the health care professionals. The parents will use their best efforts to make mutually agreeable decisions in consultation with the treating health care professionals. In the event the parents cannot agree, Mother shall make the final decision.

V. Religion

The children will be raised Catholic.

VI. Education/Childcare (school/daycare choice, psycho-educational testing, remedial assistance, report cards, parent/teacher meetings, tutoring)

- (a) The children shall attend George Frank Junior School.
- (b) The parents shall each contact the school and provide their name and contact information. The school shall have both parents' names to call in case of an emergency. The parents shall mutually agree to any changes to the contact names and information.
- (c) School calendars are available from the school. Both parents have the right to make inquiries and to be given information from the school about any issues arising with respect to the children's education. Both parents will be entitled to receive directly from the school, copies of report cards and any other documents. It is each parent's responsibility to stay up to date on any relevant educational matters (e.g., professional activity days, special events, field trips, concerts, parent-teacher meetings, etc.). Each parent shall make their own arrangements with the school directly to receive all the notices, newsletters, report cards, etc.
- (d) Mother shall notify Father of any potential major educational decisions (e.g., program, school class placement, psycho-educational testing, remedial assistance, enrichment, speech therapy, tutoring, etc.) and provide Father with the names and numbers of the involved professionals. Together or separately, the parents shall consult with the educational professionals. The parents use their best to make mutually agreeable decisions in consultation with the professionals. In the event the parents cannot agree, Mother shall make the final decision.

I. TRAVEL

- I. When a parent travels without the children, that parent shall provide a reliable telephone number to the resident parent in case of a child-related emergency or if the children want to contact the traveling parent.

- II. With notice in writing, the parents may travel with the children during the usual or holiday scheduled time with them. Proposed travel that would involve changes to the usual or holiday schedule requires the consent of the other parent.
 - III. The parents agree to sign a generic travel consent letter for the authorities and the parents will each have a notarized copy of this letter. In addition, the parents shall provide full itinerary information (i.e., dates of departure and return, location, accommodation name and address, flight or train number) to the other parent at least 30 days before the departure.
 - IV. The traveling parent shall arrange for travel health insurance for the children when traveling outside of Canada or the United States.
 - V. Mother shall be the librarian of the children's Canadian passports and birth certificates and shall provide photocopies to Father. She shall ensure the passports are current and have at least six (6) months remaining in the expiry period.
- J. RESIDENTIAL & JURISDICTIONAL MOVES**
- I. Every effort shall be made to provide at least 90 days written notice to the other parent prior to a residential move.
 - II. Mother may not change the children's residence from New York, New York (unless the move is to Toronto), without Father's consent or a court order.
- K. CHANGE OF NAME**
- Neither parent shall take any action to change the children's names without the written consent of the other parent. The provision will be deemed to be a bar to any such application and may be filed with and will be binding upon any officer of the Office of the Registrar General appointed under the Change of Name Act who receives such application by either parent in contravention of the provision.
- L. FUTURE DISPUTE RESOLUTION**
- I. In the event of a dispute about our parenting plan that we are unable to resolve on our own, the parents agree to participate telephone or skype mediation before resorting to the court.
 - II. The mediator shall be Andrea Himel.

TO EVIDENCE THEIR AGREEMENT,
the parents have each signed this Agreement under seal.

SIGNED, SEALED AND DELIVERED,
at Toronto in Ontario on the day 15th day of July 2016, in the presence of counsel.

June Flower, counsel

Justin Jones

Wayne Rain, counsel

Sari Smith

NOTES

1. Katherine Macfarlane, The BLOG, HUFFINGTON POST, May 4, 2012.
2. For consistency, we have chosen to utilize "child" throughout most of this article. However, the considerations set out in this article apply to families where there is more than one child.
3. Barbara Jo Fidler, *Developing Parenting Time Schedules: Conundrums and Considerations*, in CONTEMPORARY ISSUES IN FAMILY LAW: ENGAGING WITH THE LEGACY OF JAMES G. MCLEOD 353, 389 (Martha Shaffer ed., 2007).
4. This presumes that access is in the children's best interests.

5. Marie L. Gordon, *Infants and Toddlers: An Update of Canadian Case Law on Post-Separation Parenting Arrangements*, 29 CAN. FAM. L.Q. 95, 99 (2010).

6. We chose to review court decisions in one jurisdiction rather than multiple jurisdictions as this provided the opportunity to review a significant number of cases governed by the same provincial and federal legislation.

7. Patrick Parkinson & Judy Cashmore, *Reforming Relocation Law: An Evidence-Based Approach*, 53 FAM. CT. REV. 23, 24 (2015).

8. Michael Saini et al., *A Critical Review of Relocation Research Specific to Separation and Divorce*, 56 J. DIVORCE & REMARRIAGE 388, 388–89 (2015).

9. Fidler, *supra* note 2, at 389.

10. This presumes that access is in the children's best interests.

11. *Gordon v. Goertz*, [1996] 2 S.C.R. 27 (Can.).

12. *Id.* at para. 49.

13. Saini et al., *supra* note 7, at 405–06. The debate in favor of or against relocation falls outside the purview of this article. However, it is important to identify this issue as the long-distance parenting case law and social science research may be affected if consensus is ultimately achieved in this area.

14. CT. SERV. DIV., CT. PROGRAMS UNIT, PLANNING FOR PARENTING TIME: ARIZONA'S GUIDE FOR PARENTS LIVING APART 21–45 (2009), available at <http://www.azcourts.gov/portals/31/parentingTime/PPWguidelines.pdf>. It is noted that the Arizona Guidelines are not the only popular guidelines that exist to assist in forming parenting schedules. For example, other popular models include Robert Emery's model that accounts for divorce style (angry, distant, or cooperative) and Joan Kelly's model, which provides for eight different options for children ranging from five to seventeen years of age; Fidler, *supra* note 2, at 374.

15. Fidler, *supra* note 2, at 366.

16. Joan B. Kelly & Michael E. Lamb, *Using Child Development Research to Make Appropriate Custody and Access Decisions for Young Children*, 38 FAM. & CONCILIATION CTS. REV. 297, 306 (2000).

17. *Id.*

18. CT. SERV. DIV., *supra* note 14, at 50.

19. *Id.*

20. *Id.* at 51–52.

21. *Id.* at 53–55.

22. *Id.*

23. *Id.*

24. *Id.*

25. *Clarke v. Price*, [2012] O.N.S.C 4755 (Can.).

26. *See, e.g.*, *Ben-Tzvi v. Ben-Tzvi*, 2006 CanLII 25256 (Can. Ont. Sup. Ct. J.); *Clarke v. Price*, 2012 CanLII 4755; *McAtamney v. Kitching*, 2007 CanLII 23166 (Can. Ont. Sup. Ct. J.); *K.M.S. v. G.K.S.*, 2012 CanLII 78 (Can. Ont. Ct. J.); *Kavaner v. Jancsurak*, 2012 CanLII 543 (Can. Ont. Sup. Ct. J.); *Orsan v. Spears*, 2012 CanLII 703 (Can. Ont. Ct. J.); *Lynn v. Lynn*, 2012 CanLII 1224 (Can. Ont. Sup. Ct. J.).

27. *Chitsabeasan v. Yuhendran*, unreported (2013) at para. 113 (Can. Ont. Ct. J.); Upheld on Appeal 2016 CanLII 105 (Can. Ont. Ct. Appeal).

28. *Cochrane v. Graef*, 2010 CanLII 4479 (Can. Ont. Fam. Ct. Sup. Ct. J.).

29. *B.T.O v. A.A.*, 2013 CanLII 708 (Can. Ont. Ct. J.).

30. *Roberts v. Roberts*, 2012 CanLII 660 (Can. Ont. Ct. J.).

31. *McAtamney v. Kitching*, 2007 CanLII 23166.

32. *Id.*

33. *Watson v. Watson*, 2015 CanLII 2091 (Can. Ont. Sup. Ct. J.).

34. *Maloney v. Choo-Shee-Nam*, 2012 CanLII 3254 (Can. Ont. Sup. Ct. J.).

35. *Durham v. Durham*, 2012 CanLII 7023 (Can. Ont. Sup. Ct. J.).

36. *Gauthier v. Gunner*, 2013 CanLII 2 (Can. Ont. Ct. J.).

37. *Lynn v. Lynn*, 2012 CanLII 1224.

38. *See Kim v. Kim*, 2012 CanLII 4514 (Can. Ont. Sup. Ct. J.) (move from the Greater Toronto Area to Sutton, Ontario); *Kelly v. Metcalfe*, 2012 CanLII 3737 (Can. Ont. Sup. Ct. J.) (move from Perry Sound to Aurora, Ontario); *Gilson v. Battiston*, 2012 CanLII 300 (Can. Ont. Ct. J.) (move from North Bay to Richmond Hill, Ontario); *Lynn v. Lynn*, 2012 CanLII 1224 (move from Huntsville to Bobcaygeon, Ontario); *Suckert v. Suckert*, 2013 CanLII 7806 (Can. Ont. Sup. Ct. J.) (move from Guelph to Warton, Ontario).

39. *L.M.S. v. J.D.M.*, 2014 CanLII 377 (Can. Ont. Ct. J.).

40. *Badeau-Haughton v. Eastman*, 2015 CanLII 2811 (Can. Ont. Sup. Ct. J.).

41. *J.W.E.M. v. A.C.N.*, 2013 CanLII 386 (Can. Ont. Ct. J.).

42. *Orsan v. Spears*, 2012 CanLII 703.

43. *J.J.C. v. J.E.D.*, 2012 CanLII 79 (Can. Ont. Ct. J.).

44. *Obodochina v. Ayetor*, 2013 CanLII 738 (Can. Ont. Ct. J.).

45. *Id.*

46. Elisabeth Bach-Van Horn, *Comment, Virtual Visitation: Are Webcams Being Used as an Excuse to Allow Relocation?*, 21 J. AM. ACAD. MATRIMONIAL LAW. 171, 172 (2008).

47. *Id.*
48. David Welsh, *Virtual Parents: How Virtual Visitation Legislation is Shaping the Future of Custody Law*, 11 J.L. & FAM. STUD. 215, 6218 (2008).
49. William G Austin, *Relocation, Research, and Forensic Evaluation: Part II: Research in Support of the Relocation Risk Assessment Model*, 46 FAM. CT. REV. 347, 355 (2008).
50. Christine E Doucet, “*See You on Skype!*”: *Relocation, Access, and Virtual Parenting in the Digital Age*, 27 CAN. J. FAM. L. 297, para. 14–15 (2011).
51. *Virtually Possible—Using the Internet to Facilitate Custody and Parenting Beyond Relocation*, 38 RUTGERS COMPUTER & TECH. L.J. 146, 149 (2012) [hereinafter *Virtually Possible*] (citing Kathleen V. Hoover-Dempsey et al., *Parental Involvement in Homework*, 36 EDU. PSYCHOLOGIST 195, 204 (2004)).
52. See, THE OUR FAMILY WIZARD WEBSITE, <http://www.ourfamilywizard.com/ofw/> (last visited Mar. 13, 2016).
53. *Virtually Possible*, *supra* note 50.
54. Welsh, *supra* note 47, at 218. See also *Computers, Internet Access & Digital Services*, TORONTO PUBLIC LIBRARY COMPUTERS (2016), <http://www.torontopubliclibrary.ca/using-the-library/computer-services/>.
55. See Doucet, *supra* note 49, at para. 29.
56. See *Reece v. Reece*, 2013 CanLII 33 (Can. Nova Scotia Fam. Ct. Sup. Ct. J.); *Hejzlar v. Mitchell-Hejzlar*, 2011 CanLII 230 (Can. British Columbia App. Ct.).
57. *Ben-Tzvi*, 2006 CanLII 2526, at para. 72–73.
58. *Shiplack v. Shiplack*, 2008 CanLII 254 (Can. Sask. Q.B. Fam. Ct. J.).
59. *Cochrane*, 2010 CanLII 4479 at para. 70; See also *F.J.N. v. J.L.N.*, 2004 CanLII 6247 (Can. Ont. Sup. Ct. J.).
60. *McAtamney v. Kitching*, 2007 CanLII 23166 (Can. Ont. Sup. Ct. J.).
61. *Shoshi v. Vuksani*, 2013 CanLII 459 (Can. Ont. Sup. Ct. J.). See also *Evans v. Evans*, 2013 CanLII 282 (Can. Ont. Ct. J.); *Galle v. De Lorenzo*, 2014 CanLII 3040. (Can. Ont. Sup. Ct. J.).
62. *McAtamney*, 2010 CanLII 23166; *Cochrane*, 2010 CanLII 4479; *F.J.N.*, 2004 CanLII 6247.
63. See Doucet, *supra* note 49, at para. 40.
64. *A.D.P. v. T.E.W.*, 2005 CanLII 22 (Can. Nova Scotia Fam. Ct. J.).
65. *Perchaluk v. Perchaluk*, 2012 CanLII 525 (Can. Ont. Ct. J.).
66. *Brink v. Young*, 2011 CanLII 4955 (Can. Ont. Sup. Ct.).
67. See *B.T.O.*, 2013 CanLII 708; *Ben-Tzvi*, 2006 CanLII 2526; *Maloney*, 2012 CanLII 452; *Hovgaard]. v. Delville*, 2014 CanLII 452 (Can. Ont. Ct. J.).
68. See *McAtamney*, 2010 CanLII; *Cochrane*, 2010 CanLII 4479; *Roberts*, 2012 CanLII 660; *MacKenzie v. Newby*, 2013 CanLII 541 (Can. Ont. Ct. J.); *Kavaner*, 2012 CanLII 543; *Gilson*, 2012; *JWEM*, 2012 CanLII 300; *J.W.E.M.*, 2013 CanLII 386.
69. *F.J.N.*, 2004 CanLII 6247; *Durham*, 2012 CanLII 7023.
70. *Kozo v. Ahmed*, [2015] O.N.S.C. 3608 (Can.).
71. *Kozo*, 2015 CanLII at para. 39.
72. *Id.* at para. 60.
73. *Shand v. Drummond*, [2012] O.N.S.C. 122 (Can.).
74. *Gordon v. Gordon*, [2013] O.N.S.C. 7900 (Can.).
75. *Gauthier*, [2013] O.N.C.J. 2.
76. *Lynn*, [2012] O.N.S.C. 1224.
77. *Saini et al.*, *supra* note 7, at 389 (citing Tim Carmody, *Child relocation: An Intractable International Family Law Problem*, 45 FAM. CT. REV. 214 (2007); Philip M. Stahl, *Avoiding Bias in Relocation Cases*, in *RELOCATION ISSUES IN CHILD CUSTODY CASES* (Philip M. Stahl & Leslie M. Drozd eds., 2006); and Pauline Tapp & Nicola J. Taylor, *Relocation: A Problem or a Dilemma?*, 6 N.Z. FAM. L.J. 94 (2008)).
78. CT. SERV. DIV., *supra* note 13, at 21–45.

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